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Suit on Ford Pardon Is Dismissed

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By a Washington Post Staff Writer

U.S. District Court Judge Gerhard S. Gesell ruled yesterday that the Presidential pardon of former President Richard Nixon cannot be challenged in court "on the mere complaint of a citizen."

He dismissed a suit filed Tuesday by a New York law professor, Joseph H. Koffler, who asked that the pardon be found illegal.

Koffler said in his suit that if the pardon were allowed to stand, "its effect will be to undermine the effectiveness of the legal system of the United States . . ."

In his brief ruling issued yesterday without a hearing on the suit, Judge Gesell said that a presidential pardon "does not require advance court approval or consultation and when pardon is granted, this act cannot be reviewed by a court on the mere complaint of a citizen."

Koffler had cited Section 2 of Article II of the Constitution—which says a President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment"—as one reason that the pardon should be ruled illegal.

"The exception is not applicable," Judge Gesell said.

Legal observers pointed out that Judge Gesell's ruling was a narrow one, limited only to the proposition that a single citizen unaffected directly by the pardon could not challenge it on constitutional grounds.

They said Gesell's ruling is not necessarily applicable to another current challenge to the validity of the pardon, in a suit filed by convicted Watergate conspirator James W. McCord.

McCord is claiming that the pardon affects him directly, among other reasons, because it might be prejudicial to him in any action on his Watergate conviction now on appeal.